

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RICKY STEELE,

Plaintiff,

vs.

THE HOME DEPOT, INC., and
HOME DEPOT U.S.A., INC.,

Defendants.

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Civil Action No. _____

JURY DEMANDED

**DEFENDANTS HOME DEPOT U.S.A., INC. AND THE HOME DEPOT, INC.’S
NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COME NOW Defendant Home Depot U.S.A, Inc., (hereinafter referred to as “Home Depot”) and The Home Depot, Inc. (hereinafter referred to as “THD”), who file this its Notice of Removal on the basis of diversity jurisdiction, and would show the Court as follows:

1. Home Depot and THD are the defendants in a civil action pending in the 55TH Judicial District Court of Harris County, Texas, entitled *Ricky Steele vs. The Home Depot, Inc. and Home Depot U.S.A., Inc.*; Cause No. 2021-01676 (hereinafter referred to as the “State Court Action”). An Index of State Documents Filed with the Notice of Removal is attached hereto as Exhibit “A,” and true and correct copies of all process, pleadings, and orders served upon Home Depot in the State Court Action are attached hereto as Exhibit “B,” as required by 28 U.S.C. § 1446(a).

2. The State Court Action was filed on January 12, 2021. Home Depot and THD were served with Plaintiff’s Original Petition on January 19, 2021. The Plaintiff’s Original Petition asserts negligence claims against Home Depot. In paragraph 10 of the Petition Plaintiff states that

he is seeking monetary relief over \$200,000. Thus, it is facially apparent from Plaintiff's Original Petition that Plaintiff is seeking damages in excess of \$75,000, such that the amount in controversy requirement for diversity jurisdiction would be satisfied. Thus, this Notice of Removal, is timely filed within thirty (30) days of service of process of the first pleading or other paper from which it could be determined that the amount in controversy is in excess of \$75,000, exclusive of costs. *See* 28 U.S.C. § 1446(b).

DIVERSITY OF CITIZENSHIP

3. Plaintiff Ricky Steele is and was at the time of the filing of this action a citizen of the State of Texas.

4. Home Depot and THD are and were at the time of the filing of this action corporations incorporated under the laws of the State of Delaware with their principal places of business in Atlanta, Georgia. Consequently, Home Depot and THD are citizens of the States of Delaware and Georgia, and the district courts of the United States have original jurisdiction over this action based on complete diversity of citizenship amongst and between the parties, in that Plaintiff, on the one hand, and Home Depot and THD, on the other, are now and were at the time this action commenced, diverse in citizenship from each other.

5. Under 28 U.S.C. § 1446(a), venue of the removed action is proper in this Court as it is the district and division embracing the place where the State Court Action is pending.

6. Pursuant to 28 U.S.C. § 1446(d), Home Depot and THD will promptly give written notice of the filing of this notice of removal to Plaintiff and will further file a copy of this Notice of Removal with the District Clerk of Harris County, Texas, where the action was previously pending.

7. **Jury Demand** – Home Depot and THD hereby request trial by jury on all issues and claims in this cause.

WHEREFORE, Home Depot U.S.A., Inc. and THD hereby remove the case styled *Ricky Steele vs. The Home Depot, Inc. and Home Depot U.S.A., Inc.*; Cause No. 2021-01676, in the 55th Judicial District Court of Harris County, Texas, and respectfully request that this Court assume full jurisdiction of this proceeding for all purposes as if originally filed in this Court, including but not limited to issuing any orders necessary to stay proceedings in the State Court Action.

Respectfully submitted,

By: /s/ Arthur K. Smith

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Attorney-in-Charge
Texas State Bar No. 18534100
SDOT Bar No. 2705

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ATTORNEYS FOR DEFENDANT
HOME DEPOT U.S.A., INC. AND
THE HOME DEPOT, INC.

CERTIFICATE OF SERVICE

On the 10th day of February, 2021, a true and correct copy of the foregoing was delivered via electronically, to Plaintiff through her counsel of record.

/s/ Arthur K. Smith
Arthur K. Smith